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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   INTERNATIONAL BUSINESS  
10                  MACHINES CORPORATION,

11                  Plaintiff,

12                  C20-851 TSZ

13                  v.  
14                  ZILLOW GROUP, INC.; and  
15                  ZILLOW, INC.,

16                  Defendants.

17                  MINUTE ORDER SETTING  
18                  TRIAL DATE AND RELATED  
19                  DEADLINES

20                  **JURY TRIAL DATE (5–10 days)**

21                  **June 20, 2023**

22                  Parties to exchange preliminary proposed constructions of  
23                  disputed claim terms and lists of proposed extrinsic evidence

24                  May 19, 2022

25                  Joint Claim Chart and Prehearing Statement due

26                  June 15, 2022

27                  Parties to disclose reports from expert witnesses, if any,  
28                  regarding Markman issues

29                  June 15, 2022

30                  Parties to disclose rebuttal expert reports, if any,  
31                  regarding Markman issues

32                  July 18, 2022

33                  Deadline for completion of claim construction discovery  
34                  and for amending pleadings

35                  August 4, 2022

1	Opening claim construction briefs filed by <b>(and noted for August 26, 2022)</b>	August 11, 2022
2	Responsive claim construction briefs filed by	August 26, 2022
3	<b>If a claim construction (<u>Markman</u>) hearing is necessary, one will be set upon at least 20 days' notice to the parties.</b>	
4	Reports from expert witnesses under FRCP 26(a)(2) due	October 21, 2022
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6	Rebuttal expert reports due	November 21, 2022
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8	All discovery motions must be filed by (and noted on the motion calendar for the third Friday thereafter)	January 12, 2023
9	Discovery completed by	February 17, 2023
10	All dispositive motions must be filed by (and noted on the motion calendar for the fourth Friday thereafter; <i>see</i> LCR 7(d))	March 2, 2023
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12	All motions related to expert witnesses must be filed by (and noted on the motion calendar for the third Friday thereafter; <i>see</i> LCR 7(d))	March 9, 2023
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14	All motions <i>in limine</i> must be filed by (and noted on the motion calendar for the third Friday thereafter)	May 18, 2023
15	Agreed pretrial order due	May 24, 2023
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17	Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	May 24, 2023
18	Pretrial Conference	at 10:00 a.m. on June 9, 2023
19		
20	These dates are set at the direction of the Court after reviewing the joint status report and discovery plan submitted by the parties. All other dates are specified in the	
21	Local Civil Rules and Local Patent Rules. These are firm dates that can be changed only	
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23		

1 by order of the Court, not by agreement of counsel or the parties. The Court will alter  
2 these dates only upon good cause shown: failure to complete discovery within the time  
3 allowed is not recognized as good cause.

If the trial date, pretrial conference date, or deadlines assigned to this matter create an irreconcilable conflict, counsel must notify Judge Zilly's Chambers at (206) 370-8830, within 14 days of the date of this Minute Order and explain the exact nature of the conflict. A failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but should understand that the trial might have to await the completion of other cases.

## Claim Construction and *Markman* Hearing

11 Any claim construction hearing will be set for a half-day (2.5 hours). If more or  
12 less time is required, the parties are instructed to inform Judge Zilly's Chambers at  
13 (206) 370-8830. With regard to U.S. Patent No. 7,072,849, the parties should address in  
14 their claim construction briefs (i) the extent to which the parties agree that the Court  
15 should adopt the claim construction set forth in Chewy, Inc. v. International Business  
16 Machines Corp., S.D.N.Y. Case No. 1:21-cv-1319 (Nov. 9, 2021) (docket no. 90); and  
17 (ii) the proposed interpretation of any claims either not construed in Chewy or as to  
18 which one or the other party challenges the ruling in Chewy.

19 PLEASE NOTE: The Court will not rule on dispositive motions that raise issues  
20 of claim construction prior to the Markman Hearing, unless special circumstances  
21 warrant doing so and leave of Court is obtained in advance of filing.

1    Exhibits

2    The original and one copy of any exhibits to be used at any Markman Hearing  
3 and/or trial are to be delivered to the Court at least five (5) days before the hearing and/or  
4 trial date at a time coordinated with Courtroom Deputy Clerk Gail Glass, who can be  
5 reached at (206) 370-8522.

6    Notwithstanding Local Civil Rule 16.1, the exhibit list shall be prepared in table  
7 format with the following columns: "Exhibit Number," "Description," "Admissibility  
8 Stipulated," "Authenticity Stipulated/Admissibility Disputed," "Authenticity Disputed,"  
9 and "Admitted." The latter column is for the Clerk's convenience and shall remain  
10 blank, but the parties shall indicate the status of an exhibit's authenticity and  
11 admissibility by placing an "X" in the appropriate column. Duplicate documents shall  
12 not be listed twice: once a party has identified an exhibit in the pretrial order, any party  
13 may use it.

14    Each set of exhibits shall be submitted in a three-ring binder with appropriately  
15 numbered tabs. Each exhibit shall be clearly marked. Plaintiff's exhibits shall be  
16 numbered consecutively beginning with 1; defendant's exhibits shall be numbered  
17 consecutively beginning with the next multiple of 100 after plaintiff's last exhibit; any  
18 other party's exhibits shall be numbered consecutively beginning with the next multiple  
19 of 100 after defendant's last exhibit. For example, if plaintiff's last exhibit is numbered  
20 159, then defendant's exhibits shall begin with the number 200; if defendant's last exhibit  
21 number is 321, then any other party's exhibits shall begin with the number 400.

## Settlement

2       Should this case settle, counsel shall notify Judge Zilly's Chambers at (206) 370-  
3 8830 as soon as possible.

Dated this 1st day of April, 2022.

Ravi Subramanian  
Clerk

s/Gail Glass  
Deputy Clerk